



**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION**

GREGORY B. HOLMES,
Plaintiff,

vs.

TOWN OF CLOVER and DONNIE GRICE,
Defendant.

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CIVIL ACTION NO. 0:17-3194-MGL-SVH

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**ORDER ADOPTING THE REPORT AND RECOMMENDATIONS
AND GRANTING DEFENDANT’S MOTION TO DISMISS**

Plaintiff Gregory B. Holmes brought this employment discrimination lawsuit against his former employer, Defendant Town of Clover, and its mayor, Defendant Donnie Grice. The matter is before the Court for review of the Report and Recommendation of the United States Magistrate Judge suggesting Grice’s motion to dismiss Holmes’s Fifth Cause of Action for tortious interference with a contract be granted. The Magistrate Judge prepared the Report in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on May 3, 2018, but Holmes failed to file any objections. “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note). Moreover, a failure to object waives appellate review. *Wright v. Collins*, 766 F.2d 841, 845-46 (4th Cir. 1985).

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court adopts the Report and incorporates it herein. Therefore, it is the judgment of this Court Grice’s motion to dismiss Holmes’s Fifth Cause of Action for tortious interference with a contract is **GRANTED**.

This dismissal is without prejudice and with leave to allow Holmes to file an amended complaint within fourteen days of the filing of this Order if he so chooses. If Holmes fails to file an amended complaint within fourteen days of the filing of the Order, however, the dismissal will be with prejudice as to Holmes’s tortious interference with a contract claim.

IT IS SO ORDERED.

Signed this 24th day of May, 2018, in Columbia, South Carolina.

/s/ Mary Geiger Lewis
MARY GEIGER LEWIS
UNITED STATES DISTRICT JUDGE